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|--|--|--------------------------|--|-----------------------|--|
| DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) <input type="checkbox"/> Declaration Submitted With Initial Filing <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing OR (surcharge 37 CFR 1.16 (e) required) | | Attorney Docket Number | | 4002-2691 | |
| | | First Named Inventor | | Kevin T. Foley et al. | |
| | | COMPLETE IF KNOWN | | | |
| | | Application Number | | 09/928,949 | |
| | | Filing Date | | August 13, 2001 | |
| | | Group Art Unit | | | |
| | | Examiner Name | | | |

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am an original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SURGICAL INSTRUMENTATION AND METHOD FOR TREATMENT OF THE SPINE

(Title of the Invention)

the specification of which

is attached hereto

OR

X

was filed on (MM/DD/YYYY)

08/13/2001

as United States

Application Number 09/928,949 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim, as amended by any amendment specifically referred to above.

I acknowledge and hereby disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Check Only If Priority Not Claimed | Certified Copy Attached? | |
|-------------------------------------|---------|----------------------------------|---|---|---|
| | | | | YES | NO |
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☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

| | | |
|-----------------------|-----------------|--|
| Application Number(s) | Filing Date | |
| 60/224,491 | August 11, 2000 | <input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto. |

DECLARATION – Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365© of any PCT international application designating the United States of America, listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application or PCT Number | Parent Filing Date (MM/DD/YYYY) | Parent Patent Number (if applicable) |
|---------------------------------------|---------------------------------|--------------------------------------|
| | | |

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

☐

Customer Number

OR

Place Customer
Number Bar Code
Label Here

☒

Registered practioner(s) name/registration number listed below.

| Name | Registration Number | Name | Registration Number |
|------------------|---------------------|------|---------------------|
| Brad A. Schepers | 45,431 | | |

☒

Additional registered practioner(s) named on supplemental Registered Practioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to :

☐Customer Number
Bar Code Label

OR

☒

Correspondence address below


| | | | | | | | |
|---------|--|-----------|---------------|-----|-------|--------------|--|
| Name | Brad A. Schepers | | | | | | |
| Address | WOODARD EMHARDT NAUGHTON MORIARTY & McNETT | | | | | | |
| Address | 111 Monument Circle, Suite 3700 | | | | | | |
| City | Indianapolis | State | IN | ZIP | 46204 | | |
| Country | US | Telephone | 317/ 634-3456 | | Fax | 317/637-7561 | |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:
Foley


☐

A petition has been filed for this unsigned inventor.

| | | | | | | | |
|--|---|-------|----|------------------------|--------|-------------|--------------------------|
| Given Name (first and middle (if any)) | | | | Family Name or Surname | | | |
| Kevin T. | | | | Foley | | | |
| Inventor's Signature |  | | | | | Date | 12/5/10 |
| Residence: City | Germantown | State | TN | Country | U.S.A. | Citizenship | U.S.A. |
| Post Office Address | 2877 Keasler Circle West | | | | | | |
| Post Office Address | | | | | | | |
| City | Germantown | State | TN | ZIP | 38139 | Country | United States of America |

☒Additional inventors are being name on the 1 supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

4002-2691 / #137784 / #137799

| | | | | | |
|---|---|-------|----------------------------------|---|--------------------------|
| Name of Joint Inventor, if any: Justis | | | | A petition has been filed for this unsigned inventor. | |
| Given Name (first and middle [if any]) Jeff R. | | | Family Name or Surname Justis | | |
| | | | | | |
| Inventor's Signature |  | | | | Date 28 SEP 2011 |
| Residence: City | Gulf Breeze | State | FL | Country | U.S.A. |
| Post Office Address | 225 Northcliff Drive | | | | |
| Post Office Address | | | | | |
| City | Gulf Breeze | State | Florida | ZIP | 32563 |
| | | | | Country | United States of America |
| Name of Joint Inventor, if any: | | | | A petition has been filed for this unsigned inventor. | |
| Given Name (first and middle [if any]) | | | Family Name or Surname | | |
| | | | | | |
| Inventor's Signature | | | | | Date |
| Residence: City | | State | | Country | |
| Post Office Address | | | | | |
| Post Office Address | | | | | |
| City | | State | | ZIP | |
| | | | | Country | |
| Name of Joint Inventor, if any: | | | | A petition has been filed for this unsigned inventor. | |
| Given Name (first and middle [if any]) | | | Family Name or Surname | | |
| | | | | | |
| Inventor's Signature | | | | | Date |
| Residence: City | | State | | Country | |
| Post Office Address | | | | | |
| Post Office Address | | | | | |
| City | | State | | ZIP | |
| | | | | Country | |

**DECLARATION****Registered Practitioner Information
(Supplemental Sheet)**

| Attorney Name | Registration Number | | |
|-------------------------|---------------------|--|--|
| Harold R. Woodard | 16,214 | | |
| C. David Emhardt | 18,483 | | |
| Joseph A. Naughton, Jr. | 19,814 | | |
| John V. Moriarty | 26,207 | | |
| John C. McNett | 25,533 | | |
| Thomas Q. Henry | 28,309 | | |
| James M. Durlacher | 28,840 | | |
| Charles R. Reeves | 28,750 | | |
| Vincent O. Wagner | 29,596 | | |
| Steve Zlatos | 30,123 | | |
| Spiro Bereveskos | 30,821 | | |
| William F. Bahret | 31,087 | | |
| Clifford W. Browning | 32,201 | | |
| R. Randall Frisk | 32,221 | | |
| Daniel J. Lueders | 32,581 | | |
| Kenneth A. Gandy | 33,386 | | |
| Timothy N. Thomas | 35,714 | | |
| Kurt N. Jones | 37,996 | | |
| John H. Allie | 39,088 | | |
| Holiday W. Banta | 40,311 | | |
| Troy J. Cole | 35,102 | | |
| L. Scott Paynter | 39,797 | | |
| Charles J. Meyer | 41,996 | | |
| Matthew R. Schantz | 40,800 | | |
| Gregory B. Coy | 40,967 | | |
| Lisa A. Hiday | 40,036 | | |
| John V. Daniluck | 40,581 | | |
| Christopher A. Brown | 41,642 | | |
| C. John Brannon | 44,557 | | |
| Jason J. Schwartz | 43,910 | | |
| Arthur J. Usher IV | 41,359 | | |
| Douglas A. Collier | 43,556 | | |
| Brad A. Schepers | 45,431 | | |
| Scott J. Stevens | 29,446 | | |
| James B. Myers | 42,021 | | |
| John M. Bradshaw | 46,573 | | |
| Charles P. Schmal | 45,082 | | |
| Edward E. Sowers | 36,015 | | |
| David L. Ahlersmeyer | 31,938 | | |
| David A. Warmbold | 30,897 | | |
| Cary R. Reeves | 35,334 | | |
| James J. Bindseil | 42,326 | | |



UNITED STATES
PATENT AND
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4608-2691

JANUARY 07, 2002

Chief Financial Officer and Chief Administrative Officer
Washington, DC 20231
www.uspto.gov

PTAS

WOODARD, EMHARDT, NAUGHTON, ET AL.
BRAD A. SCHEPERS
BANK ONE CENTER/TOWER
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS, IN 46204-5137



101889549A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/18/2001

REEL/FRAME: 012278/0119
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
FOLEY, KEVIN T.

DOC DATE: 09/25/2001

ASSIGNOR:
JUSTIS, JEFF R.

DOC DATE: 09/28/2001

ASSIGNEE:
SDGI HOLDINGS, INC.
300 DELAWARE AVENUE, SUITE 508
WILMINGTON, DELAWARE 19801

SERIAL NUMBER: 09928949
PATENT NUMBER:

FILING DATE: 08/13/2001
ISSUE DATE:

KIMBERLY WHITE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

RECEIVED

JAN 14 2002

Woodard, Emhardt, Naughton,
Moriarty & McNatt

10-29-2001

WENMM-1595 (05/01)

Form PTO-1595
(Rev. 03/01)
OMB No. 0651-0027 (exp. 5/31/2002)

RECC



101889549

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

Tab settings → → →

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Kevin T. Foley
Jeff R. Justis

10-17-01

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: September 25, 2001

2. Name and address of receiving party(ies)

Name: SDGI Holdings, Inc.

Internal Address: _____

Street Address: 300 Delaware Avenue, Suite 508City: Wilmington State: Delaware Zip: 19801Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or registration number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

09/928,949

B. Patent No.(s)

Additional number(s) attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Brad A. Schepers

Internal Address: Woodard, Emhardt, Naughton, Moriarty
& McNett

Street Address: Bank One Center/Tower, 111 Monument
Circle, Suite 3700

City: Indianapolis State: Indiana Zip: 46204-5137

6. Total number of applications and patents involved

1

7. Total fee (37 CFR 3.41) \$ 40.00

- ☒ Enclosed
☐ Authorized to be charged to deposit account

8. Deposit account number:

23-3030

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Brad A. Schepers
Name of Person Signing

Signature

October 15, 2001
Date

Total number of pages including cover sheet, attachments, and document:

5

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patent & Trademarks, Box Assignments
Washington, D.C. 20231

10/26/2001 6TON11 00000079 09928949

01 FC:581

40.00

ASSIGNMENT

WHEREAS, Kevin T. Foley of 2877 Keasler Circle West, Germantown, TN 38139 and Jeff R. Justis of 225 Northcliff Drive, Gulf Breeze, FL 32563, hereinafter referred to as Assignors, have made a new and useful invention for **SURGICAL INSTRUMENTATION AND METHOD FOR TREATMENT OF THE SPINE** which Assignors have made or will make application for Letters Patent of the United States; and


WHEREAS, SDGI Holdings, Inc., hereinafter referred to as Assignee, a corporation of the State of Delaware having a principal place of business at 300 Delaware Avenue, Suite 508, Wilmington, DE 19801, desires to acquire all of the entire right, title, and interest in, to and under said invention disclosed, described and/or claimed, or intended so to be in said application, and in, to and under said application, and in, to and under any and all Letters Patent, United States and foreign, which may be obtained therefor and thereon.

NOW, THEREFORE, To All Whom It May Concern, be it known that for and in consideration of the sum of One Dollar (\$1.00) and other good, valuable and sufficient considerations to Assignors in hand paid, the receipt of which is hereby acknowledged, Assignors have sold, assigned and transferred, and by these presents do sell, assign and transfer unto Assignee, all of the entire right, title and interest in, to and under said invention disclosed, described and claimed or intended so to be in said application, and in, to and under said application for United States Letters Patent executed by Assignors this 25th day of September, 2001 and any and all other applications thereon and arising therefrom, including any and all divisions and continuations thereof, and any and all patents to be issued and obtained therefor and thereon, United States and foreign, including all reissues and extensions thereof.

Assignors hereby authorize and request the firm of Woodard, Emhardt, Naughton, Moriarty & McNett of Bank One Center/Tower, 111 Monument Circle, Suite 3700, Indianapolis, IN 46204-5137 to insert here in parentheses (Serial No. 09/928,949, Filed August 13, 2001) the date and serial number of said application when officially known, and Assignors hereby authorize and request the Honorable Commissioner of Patents to issue said Letters Patent to Assignee, its assigns and legal representatives.

Assignors agree to sign and execute any and all other papers necessary or desirable for the procurement of Letters Patent on the Invention in this and all foreign countries for the use of Assignee.

WITNESS Assignor's hand this 25th day of September 2001.



Kevin T. Foley

ASSIGNMENT

WHEREAS, Kevin T. Foley of 2877 Keasler Circle West, Germantown, TN 38139 and Jeff R. Justis of 225 Northcliff Drive, Gulf Breeze, FL 32563, hereinafter referred to as Assignors, have made a new and useful invention for **SURGICAL INSTRUMENTATION AND METHOD FOR TREATMENT OF THE SPINE** which Assignors have made or will make application for Letters Patent of the United States; and

WHEREAS, SDGI Holdings, Inc., hereinafter referred to as Assignee, a corporation of the State of Delaware having a principal place of business at 300 Delaware Avenue, Suite 508, Wilmington, DE 19801, desires to acquire all of the entire right, title, and interest in, to and under said invention disclosed, described and/or claimed, or intended so to be in said application, and in, to and under said application, and in, to and under any and all Letters Patent, United States and foreign, which may be obtained therefor and thereon.

NOW, THEREFORE, To All Whom It May Concern, be it known that for and in consideration of the sum of One Dollar (\$1.00) and other good, valuable and sufficient considerations to Assignors in hand paid, the receipt of which is hereby acknowledged, Assignors have sold, assigned and transferred, and by these presents do sell, assign and transfer unto Assignee, all of the entire right, title and interest in, to and under said invention disclosed, described and claimed or intended so to be in said application, and in, to and under said application for United States Letters Patent executed by Assignors this 28th day of September, 2001 and any and all other applications thereon and arising therefrom, including any and all divisions and continuations thereof, and any and all patents to be issued and obtained therefor and thereon, United States and foreign, including all reissues and extensions thereof.

Assignors hereby authorize and request the firm of Woodard, Emhardt, Naughton, Moriarty & McNett of Bank One Center/Tower, 111 Monument Circle, Suite 3700, Indianapolis, IN 46204-5137 to insert here in parentheses (Serial No. 09/928,949, Filed August 13, 2001) the date and serial number of said application when officially known, and Assignors hereby authorize and request the Honorable Commissioner of Patents to issue said Letters Patent to Assignee, its assigns and legal representatives.

Assignors agree to sign and execute any and all other papers necessary or desirable for the procurement of Letters Patent on the Invention in this and all foreign countries for the use of Assignee.

WITNESS Assignor's hand this 29 day of September, 2001.

Jeff R Justis
Jeff R. Justis